

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 41, “Special Education,” Iowa Administrative Code.

These amendments are technical in nature. First, the term “mental disability” is replaced with “intellectual disability.” This change is in line with recent federal legislation on this topic. No substantive change is intended.

Second, the term “preappeal conference” is deleted and replaced with “mediation conference” (or simply “conference”). This change is based on technical assistance from the United States Department of Education, which stated that the term “preappeal conference” could be misconstrued by those persons who are inexperienced with special education procedural safeguards, such as being misconstrued to be a prerequisite to other procedural safeguards. No substantive change is intended. A rule of construction is added, providing that the Department will continue to accept filings labeled as requests for a “preappeal conference.” The Department also made technical and conforming corrections to requirements to file a request for a mediation conference prior to or without filing a due process complaint.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the December 15, 2010, Iowa Administrative Bulletin as **ARC 9269B**. Public comments were allowed until 4:30 p.m. on January 11, 2011. Two public hearings were held, one on January 4, 2011, and the other on January 11, 2011. No written or oral comments were received.

These amendments are identical to those published under Notice.

These amendments shall become effective March 30, 2011.

These amendments are intended to implement Iowa Code chapter 256B and 34 CFR Part 300.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Ch 41] is being omitted. These amendments are identical to those published under Notice as **ARC 9269B**, IAB 12/15/10.

[Filed 1/28/11, effective 3/30/11]

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[For replacement pages for IAC, see IAC Supplement 2/23/11.]